REMARKS

Claim amendments

Claims 1, 3, 4, 7- 9, 14, 15, 16, 20, 22, 24, 25, 27, 29, 30, 33-35, 40, 45, 47, 49, 50 and 52 are pending. Claims 1, 20, 27, 45 and 52 are independent claims.

Applicants have amended claim 1 to clarify that the information presentation unit has a front-end interface having a data guided monitoring function that receives a user input and presents relevant performance information in a selected order based on the user input to allow the user to monitor and analyze the performance information using the scores. Support for the amendments can be found in the application as originally filed, e.g., claim 14, Figure 9 and pages 17 and 18 of the specification.

Similar amendments have been made to independent claims 27 and 52.

Claims 3-4, 7-9, 15-16, 20 and 24-25 have been amended to attend to the objections raised by the Examiner as indicated below or to be consistent with other claims.

Claim 14 has been amended to recite that the front-end interface has a function that allows a user to add to or modify annotation in monitor and analyse the performance information, and the KPI store is capable of storing the annotation. Support for the amendments can be found in the application as originally filed, e.g., Figure 5 and page 5, lines 20-26; page 14, lines 6-7; and page 18, lines 15-19 of the specification.

Similar amendments have been made to claims 22 and 47. Also, claim 55 has been added to recite the similar feature.

It is respectfully submitted that no new matter has been introduced into the application by these amendments.

Serial No.   :   **10/663,345**
Filed   :   **September 15, 2003**
Group Art Unit   :   **4137**

Rejection under 35 USC 112

The Examiner has rejected claims 3-4, 7-9, 15-16 and 24-25 as being allegedly indefinite.

Applicants have amended these claims so that they are clearly directed to the performance monitoring system.

The Examiner has rejected claim 20 in view that the expression "including the scores" lacks a sufficient antecedent bases.

Applicants have amended "including the scores" to "including scores'.

The Examiner has rejected claims 22 and 24-25 in view that they are dependent upon rejected claim 20.

Applicants respectfully submit that the above amendment to claim 20 has overcome this rejection.

Rejection under 35 USC 103

The Examiner has rejected claims 1, 3, 4, 7- 9, 14-16, 20, 22, 24, 25, 27, 29, 30, 33-35, 40, 45, 47, 49, 50 and 52 under USC 103(a), alleging that these claims are unpatentable over Thompson et al (US Patent 6,668,253) in view of Sands (WO 01/88769).

Applicants respectfully request reconsideration of the rejection for the reasons set out below based on the amended claims.

Claim 1

Claim 1 as amended provides a performance monitoring system having a loader which calculates <u>scores</u> based on the received data and the performance information stored in the KPI store to <u>indicate changes in the KPIs</u> such that <u>the scores indicate if associated KPIs are getting better or worse or unchanged</u>. The system also has an information

presentation unit which has a front-end interface allowing a user to monitor and analyze the performance information <u>using the scores</u>, the front-end interface having a data guided monitoring function that receives a user input and presents relevant performance information <u>in a selected order based on the user input using the scores</u>.

In contrast, neither Thompson nor Sands teach or suggest such a performance monitoring system.

As the Examiner indicated, Thompson does not teach calculating scores and loading the scores into the KPI store.   In view of this, the Examiner cited Sands.

Sands discloses a method of business analysis by measuring a deviation between an actual value and a budgeted output value for each key performance indicator (KPI). However, Sands does not teach or suggest calculating scores that indicate changes in the KPIs to indicate if KPIs are getting better or worse or unchanged.

The deviation measured by Sands provides information as to if the KPI is good or bad, compared to a target value. However, the deviation does not provide information as to how the KPI is changing, i.e., if it is getting better or worse, as recited in claim 1 of the present application.   The scores of claim 1 indicates the change in KPIS can provide significantly valuable information that Sands' deviation measurements cannot provide. For example, even if a deviation from the target is negligible, if a KPI is getting worse, it is desirable to analyze the cause of decrease of the KPI before the deviation becomes significant. The scores of claim 1 of the present application can provide such valuable information.

Sands indicates that "a significant global deviation is tracked to one or more contribution key performance indicators to identify the section and/or sections primarily contributing to the global deviation" (page 4, lines 10-12. However, Sands does not teach or suggest tracking the deviation for a time period so as to identify how it is changing in time.

Sands teaches improvement of the business "by simulating changes to the performance and controllable parameters of the model for each section of the business to determine the impact on the overall performance of the business..." (page 4, lines 19-23). This is simulations of performance changes based on a model for the future. Sands does not teach or suggest any monitoring or analysis of changes in the performance that actually happened.

In contrast, the performance monitoring system as recited in claim 1 provides scores that is calculated based on the received data and the performance information stored in the KPI store to indicate changes in the KPIs such that the scores indicate if associated KPIs are getting better or worse or unchanged. Thus, the performance monitoring system of claim 1 can provide valuable information that Sands fails to provide.

Since neither Thompson nor Sands teach or suggest use of scores that indicate changes in the KPIs, both Thompson and Sands fail to teach or suggest the information presentation unit has a front-end interface having a data guided monitoring function that receives a user input and presents relevant performance information in a selected order based on the user input to allow the user to monitor and analyze the performance information using the scores, as recited in claim 1 of the present application.

Thompson teaches in column 35, lines 21-27 an interface between the client personal computers and the EIM application. However, Thompson does not teach or suggest that this interface allows the client to monitor or analyze performance information using scores that indicate changes in KPIs.

Accordingly, even if one skilled in the art attempts to combine Thompson and Sands, he or she would still fail to provide a performance monitoring system having the loader and information presentation unit as recited in amended claim 1 of the present application.

Therefore, Applicants respectfully submit that claim 1 has been patentably distinguished over Thompson and Sands and is patentable over these references under USC 103(a).

Claims 20, 27, 45 and 52

Other independent claims 20, 27, 45 and 52 also recite the use of scores that indicate if associated KPIs are getting better or worse or unchanged. Accordingly, for the same reasons set out above, Applicants respectfully submit that these claims are also patentable over Thompson and Sands.

Dependent claims

Claims 3, 4, 7- 9, 14, 15, 16, 22, 24, 25, 29, 30, 33-35, 40, 47, 49, 50, and 55 depend directly or indirectly on amended claim 1, 20, 27 and 45, respectively. Accordingly, these dependent claims are also is patently distinguished from Thompson and Sands for the reasons set out above.

Especially, dependent claims 14, 22, 47 and 55 recite a function or step of allowing a user to add to or modify annotation in monitor and analyse the performance information, and storing the annotation in the KPI store. Neither Thompson nor Sands teaches or suggests allowing a user to add or modify annotation, or storing such annotation in a KPI store.

Also, dependent claims 9 and 35 recite that the KPI store stores the value information in association with the time information in a relational cube having the time and indicator dimensions, actual values, target values and score values for the KPIs, and/or business metadata as a network of content of the metadata. Neither Thompson nor Sands teaches or suggests such a specific KPI store.

Therefore, it is respectfully submitted that pending claims 1, 3, 4, 7- 9, 14, 15, 16, 20, 22, 24, 25, 27, 29, 30, 33-35, 40, 45, 47, 49, 50, 52 and 55 are patentable over Thompson and Sands under USC 103(a).
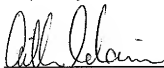
Conclusions

Having dealt with all rejections, Applicants respectfully submit that the application is now in condition for allowance.

Applicant has made a sincere and diligent effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited. However, if any issues still remain, the Examiner is respectfully requested to telephone the undersigned to resolve such issues prior to issuing another office action.

Early favourable reconsideration of the application is respectfully requested.

Respectfully submitted,

Arthur G. Schaier, Reg. No. 37,715
Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110
Telephone: (203) 575-2629
Facsimile   (203) 575-2600